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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Amendment of the Commission's
Rules to Establish New Personal
Communications Services

)
) GEN Docket No. 90-314
)
) RM-7140, RM-7175, RM-7618
)

**WIRELESS INFORMATION NETWORKS FORUM
COMMENTS ON PETITIONS FOR RECONSIDERATION**

The Wireless Information Networks Forum ("WINForum"), by its attorneys, hereby submits its comments on Petitions for Reconsideration regarding unlicensed Personal Communications Service ("PCS") devices.¹ WINForum has filed a petition seeking limited, industry consensus modifications to the rules adopted by the Commission to track more closely the original WINForum Spectrum Etiquette. As expected, these modifications have been overwhelmingly supported by the unlicensed device community. In contrast, however, a few companies are seeking changes in the channelization plan for unlicensed devices that would undermine the Etiquette to facilitate deployment of their own proprietary technologies. The same changes were previously rejected by the industry in WINForum Spectrum Etiquette deliberations and by the FCC's *PCS Order*. Other than the minor changes suggested in WINForum's Petition, however, no grounds have been presented for revisiting WINForum's basic determinations.²

¹ Amendment of the Commission's Rules to Establish New Personal Communications Services, 58 Fed. Reg. 59174 (rel. Oct. 22, 1993) [*"PCS Order"*].

² Due to the short pleading cycle associated with the Petitions for Reconsideration, WINForum has not been able to schedule a meeting to exhaustively examine all of the individual changes proposed by Petitioners. Since the Spectrum Etiquette was a consensus protocol, however, WINForum implicitly supports any changes that would conform the rules to the original WINForum Spectrum Etiquette.

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On December 8th, 1993, WINForum filed a Petition for Limited Clarification or Modification in this docket requesting industry consensus revision of certain unlicensed device rules to conform the rules with the original WINForum Spectrum Etiquette.³ Other industry participants seek rule changes paralleling WINForum's suggestions. Specifically, these Petitioners join WINForum in requesting modifications that include increasing from 1 to 30 seconds the limitation for control and signalling information in Section 15.321(c)(4);⁴ removing the isochronous packing rule in Section 15.321(b);⁵ clarifying the emissions limits in Sections 15.321(d) and 15.323(d);⁶ allowing duplex (two-way) connections by adding a new Section 15.321(c)(10);⁷ and, altering the method of power measurement prescribed in Section 15.319(c).⁸ These petitions confirm the basic public interest foundation of the WINForum Spectrum Etiquette as an industry-derived solution that optimally balances

³ Petition for Limited Clarification or Modification of WINForum, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*"WINForum Petition"*]

⁴ See *WINForum Petition* at 4; Petition for Reconsideration of AT&T at Appendix B p. 12, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*"AT&T Petition"*]; Petition for Reconsideration of Motorola Inc. at 14, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*"Motorola Petition"*]; Petition for Reconsideration of Northern Telecom at 23-26, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*"Northern Telecom Petition"*]; Petition for Reconsideration of Spectralink Corporation at 8-9, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*"Spectralink Petition"*].

⁵ See *WINForum Petition* at 4-5; Petition for Reconsideration of Apple Computer, Inc. at 5-6, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*"Apple Petition"*]; *AT&T Petition* at B10-B11; *Motorola Petition* at 13; *Northern Telecom Petition* at 23-26; *Spectralink Petition* at 9-10.

⁶ See *WINForum Petition* at 5; *Apple Petition* at 6-7; *AT&T Petition* at B15, B19; *Northern Telecom Petition* at 23-26.

⁷ See, *WINForum Petition* at 6; *AT&T Petition* at B10; Petition for Reconsideration of Ericsson Corporation at Appendix A pp. 1-2, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*"Ericsson Petition"*]; *Motorola Petition* at 15; *Northern Telecom Petition* at 23-26; *Spectralink Petition* at 6-7.

⁸ See *WINForum Petition* at 6; *AT&T Petition* at B8.

diversity of equipment, open entry for all manufacturers, and the need to ensure non-interfering operation.

While the Spectrum Etiquette represents the consensus of the unlicensed device as a whole, a few companies cannot accept the need to make compromises to ensure a level playing field for *all* companies. Companies have filed Petitions for Reconsideration seeking to modify the channelization plan to ensure their own ability to deploy their own proprietary technologies to the exclusion of opportunities for other potential competitors.⁹ Such changes are fundamentally incompatible with the goal of the Spectrum Etiquette to ensure diversity of products for consumers and business. Furthermore, these companies have proffered no new legal or factual rationales for the requested changes. Instead, they rely on arguments that have been rejected by the industry in numerous WINForum meetings and by the Commission in the *PCS Order*.¹⁰ Indeed, WINForum's technical objections to eviscerating the Spectrum Etiquette in this manner are already on record before the Commission.¹¹

For the reasons stated above, WINForum requests the Commission to adopt the consensus changes to the unlicensed device rules requested by WINForum and those changes sought by individual commenters who are attempting to conform the rules more closely to the original Spectrum Etiquette. In addition, the Commission should reject proposed changes to the channelization plan that are incompatible with the Spectrum Etiquette. The changes

⁹ See, e.g., *Ericsson Petition* at Appendix A pp. 5-9; *Petition for Reconsideration of Chandos Rypinski/LACE, Inc.* at 3-4, GEN Docket No. 90-314 (filed Dec. 8, 1993); *Petition for Reconsideration of Rockwell International Corporation* at 3-4, GEN Docket No. 90-314 (filed Dec. 8, 1993).

¹⁰ *PCS Order* at ¶ 181.

¹¹ See generally *Reply Comments of WINForum*, GEN Docket No. 90-314 (filed July 20, 1993).

requested do not have the industry consensus support that has represented the foundation of the WINForum Spectrum Etiquette and, in any event, have been previously considered and rejected by the Commission. Accordingly, these requests should be summarily denied.

Respectfully submitted,

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January 3, 1994

CERTIFICATE OF SERVICE

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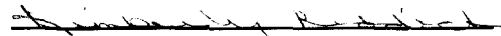
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